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OFFICE OF PETITIONS

In re Application of :
Jay Martijn Krans :
Application No. 10/043,389 :
Filed: October 26, 2001 :
Attorney Docket No. PHNL000578 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on July 26, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lack items (1) and (2) above.

As to items (1) and (2), the Fee Transmittal filed with the instant petition authorizes the Office to charge \$1,330 for the petition to revive fee, and \$330 for the filing of the Notice of Appeal. However, petitioner's deposit account contains insufficient funds. Therefore, revival of the instant application cannot occur until such fees are submitted.

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to the undersigned at (703) 308-6711¹.



Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹After September 27, 2004, the telephone number will be (571) 272-3226.